

AN ORDINANCE

04-O-1258

BY COUNCILMEMBER ANNE FAUVER

**AS SUBSTITUTED BY PUBLIC SAFETY/LEGAL ADMINISTRATION
COMMITTEE**

**AN ORDINANCE TO AMEND CHAPTER 10, ARTICLE II, TO ADD A
NEW SECTION 10-75 TO PROVIDE FOR TEMPORARY LICENSES TO
APPLICANTS FOR AN ALCOHOLIC BEVERAGE LICENSE AFTER
CHANGE IN OWNERSHIP OF THE RETAIL, LICENSED
ESTABLISHMENT; TO SET FORTH THE FEE AND CONDITIONS FOR
SAID TEMPORARY LICENSE; AND FOR OTHER PURPOSES.**

WHEREAS, the City of Atlanta has an interest in regulating, through the lawful exercise of its police powers, the sale of alcoholic beverages in order to provide for the safety and welfare of the citizens of the City of Atlanta and its visitors; and

WHEREAS, the Public Safety/Legal Administration Committee of the Atlanta City Council formed a task force, known as the Alcohol Technical Advisory Group (ATAG), to undertake review of the alcohol code; and

WHEREAS, ATAG has completed a review of several areas of the alcohol licensing code and recommends approval of this ordinance; and

WHEREAS, upon the sale or change of ownership of a licensed establishment, the Code requires the new owner to make application to the City for a new liquor license; and

WHEREAS, the Code allows the new owner to operate the business under the previous owner's liquor license for up to 30 days; and

WHEREAS, the application process generally is not completed by the new owner within 30 days; and

WHEREAS, problems arise during that time frame when the new owner/applicant is operating under the use of the old licensee/owner's license leaving the previous owner liable and giving the City fewer avenues of redress against the new owner; and

WHEREAS, other jurisdictions within Georgia, and the state of Georgia, authorize the issuance and use of a temporary license to allow a new owner to operate an alcohol licensed establishment with proper regulation by the City licensing bureau; and

WHEREAS, ATAG recommends implementation of and setting fees for use of such temporary licensing for new owners/applicants for alcohol licenses when there is a change in ownership of the licensed establishment.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA,
HEREBY ORDAINS** as follows:

Section 1.

That Chapter 10, Article II be amended to add Section 10-75, as follows:

Sec. 10-75. Applications after Change in Ownership; Temporary License Authorized; Conditions of Issuance.

(1) Persons making alcoholic beverage license applications pursuant to Chapter 10 because of a change in ownership of the **retail** licensed establishment, after properly filing all required documents, may be authorized by the **chief of police** to operate pursuant to a temporary license. Before any such temporary license may be issued, the applicant must have filed with the licenses and permits unit of the police department the following documents and materials under the conditions indicated:

(a) all documents required by the police department and pursuant to the Code for obtaining a license appropriate to the type business for which application is made, including payment by certified check, **money order** or cashier's check of the license fee at the time of submission of the license application.

(b) a written request, **on forms to be provided by the licenses and permits unit of the police department**, by the applicant for a temporary license to the chief of police. **Said forms shall be submitted by the applicant to the licenses and permits unit of the police department who will in turn forward it to the chief of police.**

(c) **the applicant, licensee and agent for the temporary license must be identical to the applicant, licensee and agent indicated on the related annual alcoholic beverage license application.**

(d) a written, notarized statement, **on forms to be provided by the licenses and permits unit of the police department**, indicating that the applicant, temporary licensee and agent waive any and all rights available to them to appeal the decision by the chief of police to deny their application for a temporary license or to revoke a temporary license that has been issued to them, and that the applicant, temporary licensee and agent agree to all conditions set forth in this section. As used in this section, "rights to appeal" shall include, but not be limited to, injunctive relief, writ of certiorari, writ of mandamus, writ of prohibition, or any court action which relates in any way to said decision(s).

(e) when preliminary records checks have been completed, determined and judgments made, and the **chief of police is satisfied that the location for the proposed license substantially complies with the provisions of the code**

authorizing such license in the city, a temporary license may be issued if deemed appropriate by the chief of police.

(f) the duration of any temporary license issued shall not exceed 120 days.

(g) a temporary license shall not be issued to any entity, real or artificial, who owes the city any monies at the time a temporary license is sought.

(h) there shall be assessed and paid by cashiers check, money order or certified check a non-refundable temporary license fee of \$750.00. This fee shall be in addition to all other fees required by the Code.

(i) the issuance and duration of any temporary license pursuant to the conditions stated in this section is within the sole discretion of the **chief of police** and such temporary license may be revoked by the **chief of police** at any time without notice, cause, hearing or refund of any portion of the temporary license fee.

(j) the issuance of the temporary license pursuant to the above conditions does not eliminate or alter in any way the requirement that the applicant must otherwise follow the application process provided in Section 10-48 of this Code.

(2) There shall be no vested right to, or protectable property interest in, the issuance of a temporary license as provided for in this section, or to the issuance of any license issued pursuant to this chapter.

(3) The grant, denial or revocation of a temporary license under the provisions of this section shall not affect or have any bearing upon the grant or denial of an annual license.

Section 2.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SUBSTITUTE ORDINANCE

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

AN ORDINANCE AMENDING THE FIRE SAFETY CODE OF THE CITY OF ATLANTA TO ALLOW FOR THE PLACARDING OF UNSAFE AND DANGEROUS STRUCTURES THAT IMPERIL THE SAFETY OF THE GENERAL PUBLIC AS WELL AS FIRE FIGHTERS WHO MAY ENTER UPON THESE PREMISES.

Section 78-57 Fire Prevention Code adopted, in incorporated by reference; amendments.

WHEREAS, the condition of the structure is sound but unsafe and constitutes a threat to the general public and the occupants therein, and

WHEREAS, the Fire Marshal, upon determining that a structure is unsafe and a danger to the public or fire fighters who may subsequently enter therein, shall be authorized to place a dated and signed placard on the damaged structure.

WHEREAS, unsafe and dangerous structures have been identified to be a safety hazard as set forth under the Housing or Commercial, Institutional and Industrial Building Maintenance Code.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA AS FOLLOWS:

Section 78-57 Fire Prevention Code adopted, incorporated by reference; amendments

The Fire Marshal shall notify the owner, operator or agent of the property by certified mail, return receipt requested, to his/her last known address that the building has been placarded and the reason therefore.

The placard should be placed on all sides of the structure about 10' high.

Such placard shall be green to indicate that firefighters should proceed with caution and state the following:

"WARNING, BY ORDER OF THE FIRE MARSHAL, THIS STRUCTURE IS DANGEROUS AND UNSAFE.

This structure has been determined by the Fire Marshal of the City of Atlanta to be dangerous, unsafe, unsound and unfit for human habitation or occupancy and in violation of section 78-57 of the Atlanta Fire Prevention Code and/or the Atlanta Housing Code or Commercial Institutional and Industrial Building Maintenance Code.



It shall be unlawful for any person to enter upon this property other than an authorized governmental licensee, the owner or his designated agent or contractor (upon written verification). It shall also be unlawful to occupy or to allow the occupancy of this property until rendered fit for human habitation or occupancy in a manner satisfactory to and approved by the Bureau of Buildings and/or the Bureau of Code Compliance.

Mutilation or unauthorized removal or defacing this placard shall be an offense punishable by fine and/or imprisonment.